

CHAPTER XXXI.

*An Act to incorporate the village of Waseca.*March 2, 1868.

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Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. All of the north one-half of sections seventeen and eighteen (17 and 18), and the south half of sections seven and eight (7 and 8), in township one hundred

Village of Waseca incorporated.

and seven (107) north, of range twenty-two (22) west, in Waseca county, in the state of Minnesota, shall be known as the village of Waseca, and by that name may sue and be sued, make contracts, purchase, take and hold real and personal property, and have a corporate seal, alterable at pleasure. Every grant and devise of lands or right or transfer of property, which has been or may be made for the benefit of its inhabitants, shall have the same effect as if made to the town by name.

Village boundary.

SEC. 2. The territory divided into lots and blocks by J. C. Trowbridge according to the recorded plat thereof surveyed and platted by J. H. Jenkins, being north west quarter of north west quarter of said section seventeen (17), except four (4) acres, and the east part of the north east quarter of north east quarter of said section eighteen (18), shall be known and recognized as the original town of Waseca, and the starting point in the survey and location of said original town shall be the point designated on the recorded plat thereof, to wit: the north west corner of said section seventeen (17), and all additions to Waseca included; all the description in the first section of this act shall be considered as additions to said original town.

In whom management of said Village vested.

SEC. 3. The management of its municipal concerns shall be vested in three (3) trustees, one of whom shall be selected by themselves as president, a justice of the peace and such other officers as the trustees may create and appoint; of the three (3) trustees first elected under this act, two shall be elected for the term of two years and one for the term of one year, and thereafter there shall be elected each year one trustee and two trustees alternately for the term of two years. The term of office of the justice of the peace shall be two years; the term of office of all other officers (except in case of vacancy) shall be one year, and the term of all officers shall commence on the third Monday of May next succeeding their election (except in case of vacancy), and shall continue until their successors are elected or appointed and qualified.

When annual election to be held—how conducted.

SEC. 4. There shall be an annual election held on the first Tuesday in May of each year, at which the electors of said village qualified to vote at town elections, may elect by ballot and a majority of votes, the trustees and justice of the peace. The trustees shall give ten (10) days notice of the time and place of holding said election, by posting up written notices thereof in three (3) public places of the village, or by causing such notices to be published

in one or more of the newspapers printed and published in said village. *Provided*, That the first election of officers in said village shall be held on the first Tuesday in May, one thousand eight hundred and sixty-eight (1868). The elections shall be held and conducted in the same manner as town elections, and the laws of this state applicable to elections generally shall apply as far as consistency will admit, and the oath of a voter shall be the same as at town meetings, and false swearing shall be perjury.

SEC. 5. That for the purpose of the first election under this act, J. C. Trowbridge, H. P. Norton and P. H. Swift shall be inspectors of election, and also the board of canvassers for such election and shall perform all the duties and possess the powers of inspectors of election and board of canvassers prescribed by this act. They shall appoint the place of holding the polls of such election and post or publish notices thereof ten (10) days before the same. At said election all the officers provided for by this act shall be elected, provided in case any of the foregoing board of canvassers should not be present or should fail to act as such inspectors, then in that case it may be lawful for the bystanders to fill any such vacancy that may occur in such board.

Who to be inspectors of first election.

SEC. 6. A majority of the trustees shall be a quorum for business, they shall appoint a clerk, a treasurer, assessor and marshal, and such other officers as may be deemed necessary. They shall have power to remove the other officers or any of them for cause, to fill vacancies by appointment, to prescribe by by-laws the duties of other officers, the kind of security and mode of giving same and the amount of compensation to be received by the other officers respectively. *Provided*, That the trustees shall not receive compensation for their services.

What to constitute a quorum of board of Trustees—power of said board.

SEC. 7. The trustees may enact ordinances and by-laws for all purposes contemplated by this act, and may fix penalties for violating the same, and they shall have the force of the law. Before they shall become laws they shall be signed by the president and clerk and published ten days in at least one newspaper printed at Waseca, and proof of such publication shall be filed and recorded by the clerk. They shall have exclusive power—

Duties of board of Trustees.

First—To license common showmen or any public exhibitions, billiard tables, bowling saloons, hacks, drays, wagons and all persons to vend or deal in spirituous, vi-

nous, fermented, mixed, intoxicating or any kind of liquors or drinks, to be used or sold in the village of Waseca.

Second—To restrain the running at large of hogs cattle or other animals.

Third—To prescribe what shall constitute nuisances and provide for the removal or abatement thereof, either under the ordinances or at common or statute law.

Fourth—To suppress or restrain disorderly houses or groceries or saloons or tipping or gambling houses, and to authorize the destruction of all instruments used for the purpose of gaming.

Fifth—To direct the location or management of slaughter houses, markets, tanneries, breweries and the storage or keeping of gunpowder or other combustible materials.

Sixth—To compel the owners or occupants of any cellars, tallow chandlers shop, soap factory, tannery, stable, barn, private sewer or any unwholesome nauseous house, or place, to cleanse, remove or abate the same.

Seventh—To prevent the incumbering of streets, sidewalks, lanes, public grounds and alleys, and to define the same.

Eighth—To prosecute immoderate riding or driving in the streets, and riding or driving on the sidewalks, and to regulate the places of bathing or swimming.

Ninth—To prevent any damages to the sidewalks, crosswalks, fences, buildings, shade or ornamental trees or any public improvements or property in the village.

Tenth—To establish and create pounds, pumps, water cisterns, reservoirs, drains, sewers and ditches.

Eleventh—To lay out, alter, open, widen, extend, establish, grade, repair or otherwise improve or keep in repair, streets, avenues, lanes, alleys, common parks, sidewalks, culverts, sewers, drains and public grounds, and they may establish and record with the clerk, grades of streets or walks to which buildings and erections shall conform.

Twelfth—To prescribe the limits within which wooden buildings or of other materials and not deemed to be fire proof may be or may not be erected or repaired.

Thirteenth—To prevent the dangerous construction, placing or continuance of chimneys, fire places, hearthstones, or stove pipes or any pipe or instrument for the conducting of fire, heat, smoke, ovens, boilers or appurtenances, and to cause the same to be removed or made secure and safe and to prosecute the deposit of ashes in any unsafe place, and to regulate or prevent the carrying on of manufactories dangerous in causing or promoting fires.

Fourteenth—The trustees shall have power to enact any other by-laws or to do any other act necessary and proper to perform the duties contemplated by this act.

Fifteenth—They may erect suitable buildings for village purposes.

SEC. 8. They shall have power to purchase fire engines and other fire apparatus, to organize hook and ladder and hose and fire companies, to provide for the support and regulation thereof, and to order such companies to be discharged, and their apparatus to be delivered up, and they may appoint a chief engineer to take charge of the fire department, fire wardens to inspect chimneys and all places dangerous on account of fire, and to perform such duties as may be prescribed by by-laws, foreman and other officers of said companies, and they shall have power to compel citizens to work at fires.

Authorized to purchase engines and other fire apparatus—to appoint Chief Engineer.

SEC. 9. The members of all such hook and ladder, hose, fire engine and other fire companies accepted by, and under the control of said trustees shall be exempt from serving on juries, and from doing highway labor, except, on property tax so long as they shall continue active members of said fire companies.

Members of fire department exempt from serving on juries, &c.

SEC. 10. They may appoint any number of special constables for extraordinary occasions, and they shall constitute a village police, and they shall have the usual powers and shall be under the immediate control of the marshal, who shall be the chief of police, and the whole shall be under the control of and subject to said trustees.

Trustees to appoint Constables—who to be Chief of Police.

SEC. 11. The trustees may license persons who shall offer or cause to be offered any manufactured articles for sale at auction in said village, and may charge thereon not less than twenty-five (\$25) dollars, nor more than one hundred (\$100) dollars, in their discretion, and whoever shall offer or cause to be offered such property without such license shall forfeit one hundred (\$100) dollars.

Authorized to license auctioneers—penalty for violation.

SEC. 12. All penalties and forfeitures shall be sued for by the trustees in the name of, and shall belong to the village.

Penalties, how collected.

SEC. 13. The trustees shall on the second Tuesday of April in each year make an accurate statement of the finances of the village at that date, particularly including all debts and liabilities, the assets and the means to discharge the same; on what account incurred, to whom owing and shall also contain a correct statement of each item from whom and on what account received and to whom paid,

When to make annual statement of finances—when to publish the same.

and on what account expended, which annual statement shall be published between that time and the first day of May, in a newspaper published in said village, and the original filed with the village treasurer.

Said village constituted a school district—to be controlled by whom.

SEC. 14. The said village of Waseca shall constitute one school district under the general school laws of this state, and hereafter all schools organized therein in pursuance of this act shall be under the control and direction of a board of education, and be free to all persons between the ages of five and twenty-one years, residing within the village.

Expenses of surveying streets, &c., how paid.

SEC. 15. The cost and expenses of surveying the streets, lanes, alleys, sidewalks, sewers, public grounds, reservoirs, cisterns and drains and the erection of buildings for village purposes and of cleansing and repairing the same, and constructing and repairing reservoirs and sewers, street crossings and crosswalks, may be paid out of the general village fund, or reservoirs may be built by districts designated by the trustees, but the expense of opening grading, graveling, paving, or repairing streets or alleys to the centre thereof, and also of side walks shall be chargeable to the lots fronting on such improvements, discretionary with the village trustees. The trustees shall not improve streets or walks except by a petition in writing signed by two-thirds of the owners and occupants that are living opposite such improvements, sewers may be built and at the expense apportioned by the trustees among the lots and parcels of land benefited thereby. All resolutions or orders directing such improvements shall be filed and recorded by the village clerk.

To constitute one or more road districts.

SEC. 16. The village of Waseca may be constituted one or more road districts, to be defined by the trustees, and the highway labor and taxes shall belong to the general fund.

Overseers of road districts—how appointed—duties.

SEC. 17. The trustees shall appoint one overseer of each road district; and they shall issue a warrant to him containing the whole amount of highway labor, and taxes assessed and levied in his district, which said warrant shall be returned by him to the village clerk. The laws of the state shall apply to warning, working, suing for and collecting highway taxes, and to returning delinquent taxes, and in all other respects, except as herein expressly provided. The trustees shall have full power to direct the overseer when, where and how to expend said labor and tax, and to remove him, and may direct him to expend

the labor in the manner to be directed by them at any point beyond the limits of the village. And the trustees shall perform the duties imposed by law on the supervisors of towns in levying highway taxes, and shall be governed and restricted in the amount so levied by the same laws applicable to supervisors of towns in levying highway labor and taxes.

SEC. 18. All work by the village (except the highway taxes) shall be let by contract to the lowest bidder, and the trustees may require a bond with sureties for the faithful performance of the contract, not less than ten (10) days notice shall be given of the letting of the contract, by the posting of notices by the clerk in three public places in the village, to be signed by the president and clerk, and also filing said notice with the said clerk at the same time.

All work let to lowest bidder.

SEC. 19. All property both real and personal in the village except such as may be exempt by the laws of the state, or as village property, shall be subject to taxation, not exceeding five mills on the dollar per year for general purposes, except for the purchase of fire engines or a cemetery which is not limited; such property shall also be liable for such special taxes as the trustees shall levy. Property exempt from taxation shall be liable to assessment for building and repairing sidewalks.

What property to be taxed.

SEC. 20. The trustees shall report to the auditor of the county of Waseca, the amount of general taxes levied upon any of the lots or portions of said village, and shall certify to him the lots or portions of the property upon which such special taxes are so levied, and it shall be the duty of the county auditor to insert such taxes in the assessment roll of the village of Waseca, and the same shall be collected by the county treasurer or returned by him as delinquent, and all proceedings in relation thereto, including the selling, conveying and redeeming property, shall be the same as in proceedings on account of other taxes. The village shall be a town so far as the collection of taxes will admit. All residents of the village shall pay a village tax on their personal property wherever situated, proportionally with their real estate tax.

To report to Auditor—what report to contain—duty of Auditor.

SEC. 21. The damages sustained by reason of laying out, opening or altering any road, street or alley, may be agreed on in the same manner as in a town under the laws of the state, and the state laws shall apply in all respects, in relation to the releases of damages, the filing thereof or the assessing thereof by the trustees, and appealing there-

Damages caused by opening streets, &c., to be levied on the village at large.

from to the county commissioners, except the village clerk is substituted for the town clerk, and the trustees for supervisors. All damages and repairs shall be levied as a tax on the village at large.

How actions to
be brought to
recover fines.

SEC. 22. In any action brought to recover any penalty or damages under this act, or the by-laws made by the trustees, it shall be proper to complain that the defendant is indebted for the amount of such penalty or damages, and to refer to the act or by-law under which the same is claimed, and to give special matter in evidence under it, and all civil cases shall be under the direction and control of the trustees, and they shall have power to settle, compromise and prosecute all such actions, on the part of the village when said village shall be a party or interested in such action.

Before whom
action brought—
qualifications of
judge, justices,
&c.—how pun-
ished.

SEC. 23. Such action may be commenced in the district court or before any justice of the peace of the county of Waseca, and no person shall be an incompetent judge, justice or juror, by reason of being an inhabitant of such village in an action to which the village shall be a party. Every execution issued upon any judgment recovered therein for any penalty, may contain a clause directing in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail for thirty (30) days if the damages recovered by such judgment shall be ten (10) dollars or less, and sixty (60) days if such damages exceed that sum, and for that purpose the village shall have the use of the jail of the county of Waseca, and persons thereto committed shall be under the charge of the sheriff of said county, all penalties and judgments shall be paid into the village treasury.

Deemed a pub-
lic act—when
act to take effect.

SEC. 24. This act shall be a public act and shall be in force from and after its passage, and no law of this state contravening its provisions shall be considered as annulling or modifying the same, unless such purpose be expressly set forth in said law.

Approved March 2, 1868.